IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12740 of 2006

Dated: 23rd June, 2006

Between:

Andugala Adam

.. Petitioner

and

The Cooperative Appellate Tribunal,
Besant Road, Vijayawada & others.

.. Respondents

THE HON'BLE SRI JUSTICE C.V.RAMULU

W.P.No.12740 of 2006

ORDER:

This writ petition is directed against an interim order passed in M.A.No.19 of 2006 in O.S.No.46 of 2006 dated 15.6.2006 on the file of the first respondent-Tribunal.

The surcharge proceedings dated 16.8.2005 taken out against the petitioner were challenged before the first respondent-Tribunal. The first respondent after entertaining the appeal, granted interim stay

of further proceedings in Rc.No.2262/2002-D dated 16.8.2005 subject to the condition of petitioner depositing 50% of the amount involved in the impugned proceedings on or before 30.6.2006. Aggrieved by the same, the present writ petition is filed.

The learned counsel for petitioner submits that the petitioner is aged about 75 years and it is very difficult for him to raise money at this stage and deposit the same as directed by the Tribunal. He further contends that Tribunal ought to have asked for some third party surety instead of depositing 50% of the amount and it is highly impossible for the petitioner to comply with the said interim order.

Having regard to the facts and circumstances of the case, I deem it appropriate to modify the interim order passed by the first respondent-Tribunal dated 15.6.2006 to the following effect.

There shall be interim stay all further proceedings in pursuance of the proceedings in Rc.No.2262/2002-D dated 16.8.2005 subject to the condition of petitioner furnishing third party immovable property security for the entire surcharge amount instead of 50%, to the satisfaction of the

respondents, within a period of one month from today. In default, the stay granted shall stands vacated automatically.

With the above direction, the writ petition is disposed of. No order as to costs.

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C.V.RAMULU,
J

Date: 23.6.2006

Note:
Issue C.C. by tomorrow
B/o

DA

THE HON'BLE SRI JUSTICE C.V.RAMULU

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23.6.2006